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EXCERPT FROM THE GENERAL PACT FOR THE REMUNCIATION OF ALL

Text of the ract as Signed Motes and Other rapers

United States Government Frinting Office Jash: \_\_ton 1938



ENC. TO T FROM ADDRESSLS OF THE HONORIBLE FRANK B. KELLOGG, SECRETARY OF STATE

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"The .ar-Prevention Folicy of the United States"1

1 Address delivered before the Council on Foreign Relations, at New York City, March 15, 1928.

multilateral treaty. France suggested, however, that the treaty provide only for the renunciation of wars of aggression, explaining that while France eculd conclude a bilateral treaty with the United States providing for the unqualified renunciation of war, the conclusion of a similar multilateral treaty presented certain difficulties in view of the obligations of France under the Covenant of the League of Lations, treaties such as those signed at Locarno in October 1935 and other international conventions relating to guaranties of neutrality. The French Government also pointed out that in Deptember 1927 the members of the League of Lations adopted a resolutions/doc/eb9268/

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condomning aggressive war as an international crime. In those circumstances
France expressed the opinion that the common object of the two Governments
could best be attained by framing the proposed antiwar treaty so as to cover
wars of aggression only. I have not been able to agree to that reservation.

My objection to limiting the see of an antiwar treaty to more wars of aggression is based partly upon a very real disinclination to see the ideal of world peace qualified in any way, and partly upon the absence of any satisfactory definition of the word "aggressor" or the phrase "wars of aggression." It is difficult for me to see how a definition could be agreed upon which would not be open to abuse. The danger inherent in any definition is recognized by the British Government which in a memoradum recently submitted to the Subcommittee on Security of the Proparatory Committee on Disarmament of the League of Nations discussed attempted definitions of this character, and quoted from a speech by the British Foreign Secretary in which Sir austen said:

I therefore remain opposed to this attempt to define the aggressor because I believe that it will be a trap for the innocent and a signpost for the guilty I agree with Sir Austen on this point.

It sooms to me that any attempt to define the word "aggressor" and by exceptions and qualifications to sticulate when nations are justified in going to war with one another, would greatly weaken the effect of any treaty such as that under consideration and virtually destroy its positive value as a guaranty of peace. And in my last note to the French Government I stated expressly that I could not avoid the feeling that if governments should publicly acknowledge that they could only deal with thirlident/weak-weak-deels/peace in a technical spirit and must insist upon the adoption of reservations impairing if not uttorly destroying the true significance of their common

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ondcavors, they would be in effect only recording their impotence to the keen disappointment of mankind in general.

"The French Draft of the Multilateral Treaty for the Romanciation of Jar"1

1 Excorpt from an address delivered before the american Society of Intermeti nal Law, Jashington, april 28, 1926.

There seem to be six major considerations which the French Government has emphasized in its correspondence and in its draft treaty; namely, that the treaty must not (1) impair the right of legitimate self-defense; (2) violate the Covenant of the League of Nations; (3) violate the treaties of Lecarne; (4) violate certain unspecified treaties guaranteeing neutrality; (5) bind 'the parties in respect of a state breaking the treaty; (6) come into effect until accepted by all or substantially all of the world. The views of the United States on these six points are as follows:

(1) Solf-defense. There is nothing in the american draft of an antivar treaty which restricts or impairs in any way the right of solf-defense.

That right is inherent in every severeign state and is implicit in every treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defense. If it has a good case, the world will applaud and not condemn its action. Express recognition by treaty of this inalienable right, however, gives rise to the same difficulty encountered in any effort to define aggression. It is the identical question approached from the other side. Inasmuch as no treaty provision can add to the natural right of self-defense, it is not in the PURL: http://www.legal-tools.org/dec/eb9268/interest of peace that a treaty should stipulate a juristic conception

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of self-defense since it is far too easy for the unscrupulous to mold events to accord with an agreed definition.

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## CERTIFICATE

Statement of Source and Authenticity

I, HAYASHI, Kuoru, Chief of the Archives Section, Japanese
Foreign office, hereby certify that the document hereto attached in .

English consisting of 4 pages and entitled "LACERPT FROM ALDERES"

ES OF STATE" is an exact and true excerpt of "THE GENERAL FACT FOR

THE RENUNCIATION OF WAR" published by United States Government

Printing Office, Mashington, 1928.

Certified at Tokyo,

on this 20th day of February, 1947.

A. Hayashi Signature of official

Witness: K. Urabe

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